SINGLE BENCH

CF/1002

(4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P.No. 4400 (S) / 2006

Petitioner : Mahesh Kumar Sewta, S/o Shri H.R.Sewta, Aged about 41 years, R/o Village Khorekurse, Block Development Durgukondul, Distt. Kanker (C.G.)

P.R. No. 4449/06 Received Dikwas 14/8/06

Versus

Respondents :

1) State of Chhattisgarh – Through the Secretary, School Education Department, DKS Bhawan, Raipur (C.G.)

2) The District Education Officer, Distt. Kanker (C.G.)

3) The Collector Kanker, Distt. Kanker (C.G.)

4) The Head Master, Government Middle School, Barbaspur, Distt. Kanker (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

VAKALATNAMA

IN THE HIGH COURT OF JUDICATURE AT CHHATISGARH BILASPUR

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P.4400/.. **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21-8-2006

Mr. P. Diwaker, Senior Advocate with Mr. P.R. Patankar, Advocate for the petitioner.

Mr. Sumesh Bajaj, Government Advocate for the State/ respondents, on advance copy.

Heard both the counsel, on admission.

By the instant writ petition, the petitioner has questioned the correctness of the order dated 29-7-2006 passed by respondent No.2, whereby he has been transferred under rationalization scheme, as the petitioner has been declared surplus under the rationalization scheme from the existing school.

Clause 7 of the rationalization scheme provides for provision of an appeal, if the person is aggrieved by the order. Therefore, alternative remedy is available to the petitioner and he ought to have availed the right of appeal. Therefore, the writ petition is dismissed, in limine. No order as to costs.

Time taken by the petitioner in filing the instant writ petition from the date of filing of this petition till its disposal shall be condoned by the appellate authority. Seven days of limitation for filing appeal shall start from today.

Consequently, M.(W.)P.No.3418/2006 and I.A.No.7997/2006 stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma

P.T.O.